

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

In re:

Phyllis Marie Williams,

Debtor(s)

Case No. 20-00684
Chapter 13
Hon. Scott W. Dales
Filed: February 19, 2020

FIRST PRE-CONFIRMATION PLAN AMENDMENT

HISTORY:

- The Original Chapter 13 Plan was filed on 2/19/20 [DN6]

PURPOSE:

- This Plan Amendment amends Paragraph III.A.3.b. to allow for payments to certain parties to be paid prior to attorney fees.
- This Plan Amendment amends Paragraph III.A.4. to correct expenses advanced.
- This Plan Amendment amends Paragraph III.B.2.a. to update estimated claim amounts of priority unsecured creditors Internal Revenue Service and Michigan Dept of Treasury.
- This Plan Amendment amends Paragraph III.C.1.b. to update mortgage payment and arrearage with Flagstar Bank based upon creditor's proof of claim.
- This Plan Amendment amends Paragraph III.C.2.b. to modify secured claim total, interest rate, and payment amount of secured creditor Credit Acceptance Corp.
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This amendment affects the above referenced paragraphs only. All other provisions of the plan, as amended, remain unaffected by this amendment.

A limit on the amount of a secured claim, set out in Paragraph III.C.2.c and III.C.1.f., which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Paragraph IV.R.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Nonstandard provisions, set out in Paragraph IV.R.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

III. DISBURSEMENTS

A. **ADMINISTRATIVE CLAIMS.** The Debtor(s) shall pay in full, in deferred cash payments, all allowed claims entitled to priority under 11 U.S.C. § 507, including:

3. Attorney fees exclusive of costs and expenses: An initial fee of \$3,200.00 less fees paid of \$302.05, leaving a fee balance in the amount of \$2,897.95 to be disbursed by the Trustee pursuant to the priorities set forth in paragraph IV.H of the Plan, unless otherwise marked below:

a. () Attorney fees shall be paid at the rate of \$_____ per month until paid in full pursuant to paragraph IV.H of the Plan.

b. (XX) Attorney fees shall be paid after all necessary equal monthly payments on secured continuing claims, secured claims, assumed executory contract/unexpired lease claims which is a modification of paragraph IV.H.

4. Expenses advanced to the Debtor(s) (paid by the attorney to the Clerk of the Court or the service provider) include:

\$ N/A filing fee (enter amount or N/A);

\$ 14.95N/A mandatory credit counseling or financial management class (enter amount or N/A); and

\$ 33.00N/A other – Credit Report (explain and enter amount, or enter N/A).

B. PRIORITY CLAIMS.

2. a. **Prepetition Priority Tax Claims:** Prepetition priority tax claims are allowed claims entitled to priority under 11 U.S.C. § 507 and shall be paid in full by the Trustee.

Mandatory information:

Creditor Name	Estimated Amount ⁱ	Nature of Debt
Internal Revenue Service	\$10,192.75 \$4,239.26	Personal Income Taxes
Michigan Dept of Treasury	\$2,360.89 \$1,753.89	Personal Income Taxes

C. **SECURED CLAIMS.**

1. **Real Property:**

a. **Mortgage Payments:** Unless otherwise stated, the Trustee shall commence paying the first post-petition mortgage payment on the first day of the month following the month of the petition date.

b. **Principal Residence Post-Petition Mortgage Payments and Prepetition Arrears:** The following is the street address and the tax ID parcel no. for the principal residence of the Debtor(s):

Residence address and tax parcel ID no. 2205 S. Wadsworth Dr, Lansing, Michigan #33-01-01-31-277-101

Creditor Name	Estimated Monthly Payment Amount ⁱⁱ	Estimated Arrears ⁱⁱⁱ	Taxes & Insurance Escrowed With Lender? Y/N	Trustee Pay Y/N
#1 Flagstar Bank	\$702.30 \$735.00	\$7,888.26 \$7,500.00	Y	Y
#2				

() Mortgage principal and interest on one or more mortgages on the principal residence to be paid in full over life of plan under 11 U.S.C. § 1322(c)(2). Please see Provision IV.R.

2. **Personal Property:**

b. **Secured Claims Subject to Final Paragraph of 11 U.S.C. § 1325(a):** Each secured creditor in this class has a lien that is not subject to 11 U.S.C. § 506.^{iv} Claims in this class shall be paid as follows plus an additional pro-rata amount that may be available from funds on hand at an interest rate specified below or the contract rate specified in the proof of claim, whichever is lower.

Creditor, Address & Account No.	Collateral	Balance Owing	Interest Rate	Pre-Conf. APP	Equal Monthly Payment
Credit Acceptance 88663156	2014 Chevrolet Malibu	\$17,527.49 \$17,223.00	6.50% 6.25%	\$223.27	\$341.10 \$333.24

ⁱ The amount stated is an estimate only and the proof of claim controls as to the amount of the claim. This provision does not preclude any party in interest from filing an objection to the claim.

ⁱⁱ The monthly payment amount is an estimate and the Trustee shall pay the monthly payment amount based on the proof of claim as filed. The Plan authorizes the Trustee to make post-petition regular mortgage or land contract payments prior to the proof of claim being filed. This provision does not preclude any party in interest from filing an objection to the claim.

ⁱⁱⁱ The amount of prepetition arrears is an estimate and the Trustee shall pay the prepetition arrears based on the proof of claim as filed. Any claim filed for prepetition arrears shall be paid through the Plan over a reasonable period of time and pro-rata with other secured creditors without interest.

^{iv} Such a claim is not subject to "cramdown" and will be paid the full balance owing. If the collateral is a motor vehicle and is destroyed, the Debtor(s), with consent from the secured creditor and Trustee, or by order of the Court, may use the collateral insurance proceeds to purchase replacement collateral, to which the creditor's lien shall attach.

BY FILING THIS DOCUMENT, THE ATTORNEY FOR THE DEBTOR(S) OR DEBTOR(S) THEMSELVES, IF NOT REPRESENTED BY AN ATTORNEY, ALSO CERTIFY(IES) THAT THE WORDING AND ORDER OF THE PROVISIONS IN THIS CHAPTER 13 PLAN ARE IDENTICAL TO THOSE CONTAINED IN THE APPROVED MODEL PLAN PURSUANT TO LOCAL BANKRUPTCY RULE 3015(d) FOR THE WESTERN DISTRICT OF MICHIGAN BANKRUPTCY COURT, OTHER THAN ANY NONSTANDARD PROVISIONS INCLUDED IN PARAGRAPH IV.R.

Dated: June 3, 2020

/s/ Phyllis Marie Williams



Phyllis Marie Williams, Debtor

/s/ Aaron J. Kenyon



Robert W. Dietrich (P49704)

Aaron J. Kenyon (P67589)

Counsel for the Debtor(s)

Williams, Phyllis 20-00684 2/19/2020	Filed Claims Bar Confirmed	2/19/2020	District End Date 1. Length of plan	Western (Barbara Foley) 2/19/2025 60 Months
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Remaining length of plan	51 Months	Current Payment
Estimated dividend % to unsecured creditors	100.00%	2,025.00 Monthly
2. Debtor:	per pay	Monthly
1/1/2011	2,025.00	per pay
1/1/2011	0.00	per pay
4. Lump Sum Payments:	none	0.00
<u>Balance on hand (with Trustee)</u>		0.00
5. Total to be paid into the Plan (total of line 2 through 4)		103,275.00

Plan is OVERFUNDED 231.74

Total to be paid into the plan	103,043.26	or	2,020.46 Monthly
6.a. Estimated trustee's fees	10.00%	10,304.33	932.52 Bi-Weekly
Bankruptcy Court - Filing Fee		310.00	466.26 Weekly

Estimated Attorney Fees & Costs

6.b. Pre-confirmation	2,897.95
Pending Fee Apps.	0.00
<u>6.c. Post-confirmation</u>	<u>51 months</u>
	75.00
	<u>3,825.00</u>
	6,722.95

6.e. Total mortgage and other continuing secured debt payments

Flagstar Bank	51 months	702.30	35,817.30
none	0 months	0.00	0.00
none	0 months	0.00	0.00
			<u>35,817.30</u>

6.h. Total of arrearage claims

Flagstar Bank	7,888.26
none	0.00
none	0.00
	<u>7,888.26</u>

6.f. Total non-continuing secured debt payments (including interest)

Credit Acceptance Corp	60 months	341.10	20,466.00
none	0 months	0.00	0.00
none	0 months	0.00	0.00
			<u>20,466.00</u>

6.g. Total priority claims 12,553.64**7. Total Disbursements other than to General Unsecured Creditors** 94,062.48

Taxes - unsecured	781.02
Lien stripped mortgages - unsecured	0.00
Cram downs - unsecured	0.00
<u>General unsecured debts</u>	<u>8,199.76</u>
Total unsecured claims (if all file)	8,980.78

8. Funds estimated to be available for General Unsecured Creditors 8,980.78